

## **Supreme Court Summaries**

### **Opinions filed March 24, 2016**

#### **People v. Timmsen, 2016 IL 118181**

Appellate citation: 2014 IL App (3d) 120481

JUSTICE FREEMAN delivered the judgment of the court, with opinion.  
Chief Justice Garman and Justices Kilbride, Karmeier, and Theis concurred in the judgment and opinion.

Justice Thomas specially concurred, with opinion.

Justice Burke dissented, with opinion.

In a stipulated bench trial in the circuit court of Hancock County, this defendant was found guilty of driving on a suspended license and was sentenced to 24 months of conditional discharge and 90 days in the county jail. His motion to suppress evidence had been denied.

Timmsen appealed, claiming that police had no valid reason for stopping his vehicle and that the circuit court should not have admitted evidence obtained as a result of the stop. The appellate court agreed with him and reversed the conviction, remanding for further proceedings.

The underlying facts of the case are not in dispute. At 1:15 a.m. on Saturday, December 17, 2011, the defendant was driving east on U.S. Highway 136 when he crossed the Mississippi River and entered Illinois from Iowa. Just across the border, he encountered a police safety roadblock. He made a U-turn about 50 feet in front of the roadblock, utilizing a railroad crossing which was, at that point, the only place to turn around before reaching the roadblock. The roadblock was not busy. Now headed west, he was stopped by a deputy who emerged from the roadblock and, among other things, discovered that the defendant's driver's license was suspended. This deputy did not testify at trial and there is no evidence as to his reasons for the stop.

The standard for when police may stop a motor vehicle is less demanding than the standard of probable cause. An officer may conduct a brief investigatory stop when, based on the totality of the circumstances, there is a reasonable belief that the driver has committed or is about to commit a crime. The officer must have a reasonable, articulable suspicion that criminal activity is afoot, rather than a mere hunch. This is an objective standard which must be based on specific, articulable facts and rational inferences therefrom. In Illinois, U-turns are legal as long as they can be made safely and without interfering with other traffic.

Courts are divided on the issue of when evasive behavior by a motorist may justify a traffic stop, and there is no clear consensus. The United States Supreme Court has declined to establish a bright-line rule, opining that all factors must be considered. The prosecution contended that the U-turn to avoid the roadblock provided a reasonable, articulable suspicion on which to base a stop of the

defendant's vehicle. In this decision, the Illinois Supreme Court agreed with this conclusion. It said that, in the absence of a reasonable suspicion, an individual has a right to avoid a police encounter and go about his business. However, continuing eastbound on the highway would have been going about his business. Here, the defendant's U-turn, 50 feet in front of a well-marked police roadblock which was not busy in the early morning hours of a weekend was sufficient to support a reasonable suspicion to justify a stop under the totality of the circumstances. The motion to suppress was properly denied, and the judgment of the circuit court was affirmed.